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UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FILED
August 14, 2007

No. 06-5277
1:06-cr-00205-JCC

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

DAVID A. KAYE

Defendant - Appellant

On Petition for Rehearing and Rehearing En Banc

The appellant's petition for rehearing and rehearing en banc was submitted to this Court. As no member of this Court or the panel requested a poll on the petition for rehearing en banc, and

As the panel considered the petition for rehearing and is of the opinion that it should be denied,

IT IS ORDERED that the petition for rehearing and rehearing en banc is denied.

Entered for a panel composed of Judge Niemeyer, Judge King, and Judge Shedd.

For the Court,

/s/ Patricia S. Connor

CLERK